

they set up a separation of powers, they set up a judiciary and they set up a Constitution, and 10 amendments thereafter.

Mr. Speaker, our highest duty, as Members of this body, is to defend our Nation, protect our people and uphold the Constitution of the United States, as we've talked about. And one has to be thoughtful in doing that because, at times, it would appear that those three duties may be in conflict with one another. It is our job to harmonize those to accomplish all three objectives. That is, we have a duty to keep this Nation safe from those who seek to harm us.

And let there be no doubt, there are terrorists who seek to harm us. They have harmed us. They are people that we need to stop. They are people that we need to identify. They are people whom we need to act against. And, yes, a duty to ensure that our government abides by the principles upon which it was founded.

In 1978, as has been said, this Congress enacted the Foreign Intelligence Surveillance Act in an effort to balance these critical interests. It is with these principles in mind that we bring this bill to the floor to immediately fill the intelligence gap described to Congress by the Director of National Intelligence.

Among other things, this legislation clarifies that no court order is required, as has been said over and over and over again, to intercept and conduct surveillance on foreign-to-foreign communications that pass through the United States. That's a new technological reality, because that switch is here and so we needed to accommodate that.

The Director of National Intelligence discussed that with us. We made a change in the legislation that was proposed to accommodate that, and he was positive with respect to that change. I do not say he supported that change; I say he was positive.

It reiterates that individual warrants based on probable cause are required when surveillance is directed at people within the United States, not incidental contacts but directed at people in the United States.

It provides for an initial 15-day emergency authority so that international surveillance may begin immediately, so that we can empower the DNI to act now, and it allows for up to two 15-day extensions while the court considers the approval of surveillance procedures.

□ 2015

No one should be surprised that this majority is concerned about the actions of the administration after the last 4 years. The courts have been concerned. And the courts have acted because they did not believe that the administration was acting consistently with the duty to uphold and protect the laws and Constitution of this country.

That ought to be a serious concern. Frankly, it ought to be a very serious concern for those who label themselves conservatives, who have historically been the most outspoken in their fear of Government exercise of power and their concern for the constraint on the use of that power.

Our legislation also compels the cooperation of communications carriers during emergency periods, while it extends liability protection to those who assist in this intelligence-gathering effort. This was a very important provision. We understood that. It is controversial. But we thought it was important.

The legislation also requires the Inspector General of the Department of Justice to conduct an audit every 60 days of communications involving Americans that are intercepted under "basket warrants," because we know those basket warrants are going to be just that, broad-reaching, because we wanted to give the DNI the authority to reach broadly and not be slowed down bureaucratically by individual requests. But we also thought that we needed to protect those individuals with an aftercheck, if you will, by the Inspector General. We think that is fair. We think conservatives ought to be for that. We think liberals ought to be for that. We think the American people are for that.

Finally, the legislation provides that these provisions sunset in 120 days, because it is imperative that we consider issues of this magnitude in a thoughtful manner.

We have been working hard. I said how often I have talked to the DNI, how often I have been in meetings, and how recently I was in meetings with the DNI. It is imperative that we consider these issues consistent with the magnitude that they present, not only for the safety of our people, but for the integrity of our Constitution and laws.

Now, some will say this bill doesn't go far enough. That may be so. And we ought to thoughtfully consider that in the months ahead as the committee, the ranking member, Republicans and Democrats, consider the permanent laws that may be put in place.

Many of them support the administration's proposal, which would permanently authorize warrantless surveillance and searches of American's telephone calls, e-mails, homes, offices and personal records for at least 3 months and for however long an appeal to the Court of Review in the Supreme Court takes, as long as the search is, and I quote, "concerning a person abroad."

In fact, the administration's proposal practically eliminates the role of the FISA court. That, of course, is the administration's intent. We understand that. The administration, in fact, undertook the TSP program, the Terrorist Surveillance Program, outside the ambit of the check and balance that we contemplated when we adopted the legislation.

Madam Speaker, we have spent hours with the Director of National Intel-

ligence and worked hard to give him the tools that were requested. The DNI asked that we expand the language in the bill from "relating to terrorism" to the much broader "relating to all foreign intelligence." I support that change. I want to make sure that the DNI has a broad reach and view. So that is in this bill.

The DNI asked that we eliminate the requirement that the FISA court adjudicate how recurring communications into the United States from foreign targets would be handled, and we agreed to that change.

Madam Speaker, in closing, let me tell the Members that yesterday in that conference call I asked the Director of National Intelligence, Admiral McConnell, this question: Does this legislation improve or not the situation you find yourself in? I quote you his answer to me just about 24 hours ago. This legislation, which has been so harshly analyzed, I quote the Director of National Intelligence: "It significantly enhances America's security."

That is a quote. It is a direct quote. I do not imply that he said he supported it. And we have a very harsh statement from him that we just got a few hours ago. I will tell you, it doesn't sound like the Admiral McConnell with whom I have talked over the past few weeks.

Madam Speaker, the administration truly seeks a temporary fix to the FISA statute. This legislation provides one.

Madam Speaker, I urge my colleagues on both sides of the aisle to vote for this important legislation. There are some on my side who believe it goes too far. There are some on your side that believe it goes not far enough. But it is, I suggest to you, a compromise that we can make that, as in the words of the Director of National Intelligence, significantly enhances our national security.

Madam Speaker, I urge the support of this legislation.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 30 seconds to the gentlewoman from California (Ms. PELOSI), the honorable Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for championing civil liberties in our country for such a long, long time. I want to express my admiration and respect for you, Mr. CONYERS, as the distinguished Chair of the Judiciary Committee. And to the distinguished Chair of the House Intelligence Committee, Mr. REYES, congratulations to you for this excellent work. It is difficult, because we have to balance security and liberty. Two great patriots have brought this bill to the floor. Mr. REYES, you have served our country in many capacities to secure our country, and you are doing so in your capacity as Chair of the Intelligence Committee.

Madam Speaker, in my service in Congress I have had the privilege of